

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

JUSTIN GRAY LIVERMAN

(a/k/a "D3F4ULT"),

Defendant.

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Criminal No. 1:16-CR-313

Hon. Rossie D. Alston, Jr.

GOVERNMENT'S MOTION TO SEAL

The United States, through undersigned counsel, respectfully moves this Court pursuant to Local Criminal Rule 49(E) to seal Exhibits B and D to the United States' Response In Opposition to Defendant's Motion For Compassionate Release (ECF No. 87) (Government Exhibits). The government seeks to file the Government Exhibits under seal because they either contain defendant's non-public medical information (Exhibit B) or sensitive BOP personnel records (Exhibit D). Sealing such confidential information is required to protect such sensitive and private information from public disclosure.

This Court "has supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests." *In re Knight Publ'g Co.*, 743 F.2d 231, 235 (4th Cir. 1984). Sealing documents is appropriate where the information they contain involves sensitive medical or personal identification information. *See, e.g., Rock v. McHugh*, 819 F. Supp. 2d 456, 475 (D. Md. 2011).

The United States has considered alternatives less drastic than sealing and has found none that would suffice to protect this private information.

WHEREFORE, the United States respectfully requests that the unredacted version of the Government's Response be sealed until further Order of the Court.

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

By: /s/
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CERTIFICATE OF SERVICE

I certify that on October 14, 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing (NEF) to all counsel of record. I also certify that by the next business day, the U.S. Attorney's Office will mail a copy of this filing to the defendant's address of record, namely:

Justin Gray Liverman (No. 62701-056)
FCI Fort Dix
Federal Correctional Institution
P.O. Box 2000
Joint Base MDL, NJ 08640

Defendant

By: /s/

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